IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(Crl.).No. 72 of 2007(S)

PETITIONER:

SUJITH MON K.S., AGED 27 YEARS,
S/O. SUGUNAN, KAMPOLATH HOUSE,
CHETHI P.O., CHERTHALA,
ALAPPUZHA - 688530.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
PARIPALLY POLICE STATION.

2. PRASANNAN, DEEPU VILASOM,
EZHIPPURAM, P.O.PARIPALLY, KOLLAM.

3. BHADRA, W/O. PRASANNAN, EZHIPPURAM P.O.
PARIPALLY, KOLLAM.

R1 BY GP SHRI P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl.)No.72 OF 2007

Dated 10th April, 2007

JUDGMENT

Koshy,J.

This is a petition for habeas corpus for producing a girl Divya, daughter of respondents 2 and 3. According to the petitioner, he has married her according to customary rites. However, no evidence was produced to show that there was marriage according to customary rites. Even photos were not produced and marriage certificate was also not produced to show that petitioner has married Divya. If he has married Divya, instead of filing habeas corpus petition, it is for him to file a petition before the Family Court for restitution of conjugal rights or any other remedy. It is also submitted that talks are going on between parents. In any event, at present a writ of habeas corpus will not lie. Hence, the writ petition is dismissed without prejudice to his rights.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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